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WILTON MIWOK RANCHERIA,  
ITS MEMBERS; and DOROTHY ANDREWS

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

ME-WUK INDIAN COMMUNITY OF THE  
WILTON RANCHERIA,

Plaintiffs,

v.

DIRK KEMPTHORNE,  
In his official capacity as Secretary of the Interior,  
Defendants.

WILTON MIWOK RANCHERIA, a formerly  
federally-recognized Indian tribe, and ITS  
MEMBERS, and DOROTHY ANDREWS,

Plaintiffs-in-Intervention.

Case No. C 07-05706 (WHA)

**ADMINISTRATIVE MOTION TO  
REQUEST THAT CASES BE  
RELATED**

In accordance with Civil L.R. 3-12, and 7-11, Plaintiffs-in-Intervention, Wilton Miwok Rancheria, its members and Dorothy Andrews (collectively hereinafter "Wilton Miwok Rancheria") submit this Administrative Motion to request that the action filed in the District of Columbia and transferred to this Court be related to the separate action filed by the Plaintiffs-in-Intervention herein in this Court.

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## I. BACKGROUND

On February 28, 2007, this action, *Me-Wuk Indian Community of Wilton Rancheria v. Kempthorne* (hereinafter the "D.C. case") was filed in the United States District Court in the District of Columbia. On May 29, 2007, Wilton Miwok Rancheria, its members and Dorothy Andrews filed a motion to intervene in the D.C. case and lodged a motion to transfer the D.C. case to this Court, where a related action was already pending. On October 24, 2007, the D.C. Court granted the motions to intervene and transfer and ordered this case transferred to the Northern District of California. On November 15, 2007, the Honorable William Alsup referred this case to the Honorable Jeremy Fogel for the purpose of determining whether it is related to *Wilton Miwok Rancheria v. Kempthorne, et al.*, No. CV-072681 JF (Complaint filed May 21, 2007) ("*Wilton Miwok Rancheria*"), filed by the Plaintiffs-in-Intervention herein.

## II. ARGUMENT

The D.C. Case is related to the action pending in this District before the Honorable District Judge Jeremy Fogel, entitled *Wilton Miwok Rancheria v. Kempthorne*, as defined in Civil L.R. 3-12(a), in that:

- (1) Both actions concern substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

### A. Both Actions Involve Substantially the Same Parties.

#### 1. Plaintiffs.

Both the D.C. case and the *Wilton Miwok Rancheria* case, filed in this Court on May 21, 2007, involve the same plaintiffs. Specifically, the Plaintiffs in *Wilton Miwok Rancheria* and the Plaintiffs-in-Intervention in the D.C. case are the same parties: the Wilton Miwok Rancheria, its members, and Dorothy Andrews. Moreover, both cases involve Plaintiffs who assert that they represent the formally federally-recognized Tribe. In any event, all Plaintiffs in both actions are members of the same Tribe, the Wilton Miwok Rancheria.

1                   **2. Defendants.**

2           The Secretary of Interior is the primary Defendant in both the D.C. case and *Wilton Miwok*  
3 *Rancheria*.

4           **B. Both Actions Involve Substantially the Same Property.**

5           Both the D.C. case and *Wilton Miwok Rancheria* seek restoration of the federal recognition of  
6 Wilton Miwok Rancheria. Moreover, in both actions, the Plaintiffs seek restoration of a tribal land  
7 base. Because this land base will be specific to Wilton Miwok Rancheria, it is clear that both actions  
8 involve substantially the same property.

9           **C. Both Actions Involve Substantially the Same Transaction or Events.**

10          In the D.C. case, Plaintiffs seek substantially the same relief sought through the Complaint in  
11 *Wilton Miwok Rancheria*, declaratory and injunctive relief against the United States' Secretary of  
12 Interior to restore Plaintiffs as a federally recognized Indian Tribe. In fact, the Complaints filed by the  
13 Wilton Miwok Rancheria in both cases are substantially identical.

14          **D. The Two Cases Should be Related to Avoid Unduly Burdensome Duplication Of**  
15 **Labor And Expense.**

16          It is clear that because both cases at issue involve the same parties, property and events that if  
17 the cases are not related, there will be an unduly burdensome duplication of labor and expense for all  
18 parties and the Court. The Wilton Miwok Rancheria and Dorothy Andrews have filed substantially  
19 identical Complaints in each of the two actions. Thus, if the cases are not related, the Wilton Miwok  
20 Rancheria and Dorothy Andrews will be forced to prosecute the same claims within two cases, while  
21 the United States will be forced to defend the same claims within two cases.

22          **III. CONCLUSION**

23          This Court should determine the instant case to be related to *Wilton Miwok Rancheria* because  
24 (i) both actions concern substantially the same parties, property and events and (ii) there will be an

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1 unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted  
2 before different Judges.

3 Dated: November 20, 2007

Respectfully submitted,

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8 By: 

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